**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(*Special Original Jurisdiction*)

–

–

THURSDAY, THE TWENTY FIFTH DAY OF AUGUST

TWO THOUSAND AND FIVE

P R E S E N T

**THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO**

* * *

WP.No.18756 OF 2005

**Between:**

Mohammed Salahuddin & Anr. … Petitioners

**Versus**

The District Collector, Rangareddy district

& Ors. … Respondents

Counsel for the Petitioner: M/s.Kowturu Vinayakumar (3193)

Counsel for the Respondents1 to 4: GP for Revenue

Counsel for the Respondents 5 to 8: None appeared

O R D E R :

This writ petition is filed questioning the action of the second respondent in not disposing the representations dated 15-4-2003 and 27-6-2005 respectively submitted by the petitioners seeking to correct the revenue record and stop the unauthorized selling of land bearing survey nos. 83, 85 to 96, 103 to 111 of Malakram village of Shamshabad Revenue Mandal, Rangareddy district by the landgrabbers and cancel the orders dated 12-3-2001 in Proceedings No.C/1583/97 passed by the Revenue Divisional Officer, Chevella and also Proceedings No.B/2450/2000 dated 26-12-2001 of the Mandal Revenue Officer, Shamshabad on the ground that the deceased, Mr.Syed Aziz-ur-Rehman and Mr.Syed Fazl-ur-Rehman have already sold their shares during their life time, which is evident from the Proceedings No.C/2911/2002 passed by the Revenue Divisional Officer,

Chevella on 28-7-2003 and Pattedar Passbook of Mr.Syed Aziz-ur-Rehman. Further the deceased Mr.Syed Aziz-ur-Rehman have sold away his share during his lifetime, therefore, his legal heirs are not entitle to any share in survey no.103 to 111 of Malakram village of Shamshabad Revenue Mandal.

The first petitioner is the husband of the second petitioner. One Mr.Syed Ibrahim Hasan, who is the maternal grandfather of the first petitioner and grand father of the second petitioner was the original owner and pattedar in respect of the lands covered by survey nos. 83, 86, 90 to 96, 103 to 111 admeasuring Acs:236-38 guntas situate at Malkaram village of Shamshabad Revenue Mandal, Rangareddy district. Out of total extent of Acs:236-38 guntas, the unofficial respondents have sold away their entire share and the petitioners submit that they are entitled to an extent of Acs:78-13 guntas i.e., total six shares (three sons and three daughters) of late original pattedar.

The petitioners submit that the unofficial respondents, who have no other property, since they have already alienated their share and without disclosing the real facts, they have obtained the Succession Proceedings No.B/2450/2000 dated 26-12-2001 from the fourth respondent without any notice to the petitioners. Therefore, on learning of the said proceedings, the petitioners have submitted a representation to the second respondent on 15-4-2003. Thereafter, on 1-11-2004 the petitioners applied for certified copies of pahanies and found that the endorsement of the third respondent is with regard to the said proceedings. Further the petitioners applied for a copy of the proceedings but the fourth respondent issued a memo on 27-12-2004 stating that the file B/2450/2000 is not readily available in section. Therefore, the

petitioners have submitted another representation to the third respondent on 15-5-2004 and on 12-3-2001 the third respondent issued a copy of the proceedings. The proceedings dated 12-3-2001 of the third respondent are nothing to do with the succession proceedings but unfortunately the fourth respondent has issued succession certificate in favour of the unofficial respondents on the basis of the proceedings of the third respondent dated 12-3-2001.

The petitioners further submit that they have filed an appeal before the second respondent on 27-7-2005 seeking to set aside the proceedings dated 12-3-2001 passed by the third respondent and as well as the proceedings dated 26-12-2001 passed by the fourth respondent.

While things stood thus, the GPA holder of the unofficial respondents started alienating the properties indiscriminately affecting the rights of the petitioners. Moreover, the third and fourth respondents have issued the proceedings referred supra, which are ex-facie illegal, arbitrary, contrary to record, as all the proceedings have been concluded without conducting any proper enquiry and without issuing any notice to them.

Considering the facts and circumstances of the case and taking into consideration the submission made by the learned counsel for the petitioner, without going into merits or otherwise, I deem it appropriate to dispose of the writ petition at the admission stage directing the second respondent to dispose of the representations dated 15-4-2003 and 27-6-2005 respectively submitted by the petitioners and pass appropriate orders on merits and in accordance with law, within

three months, from the date of receipt of a copy of this order, after affording reasonable opportunity of hearing the petitioner as well as the unofficial respondents.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

AUGUST 25th, 2005. ----------

l s L. ELIPE DHARMA RAO , J.